

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
ST. JOSEPH DIVISION**

GARY LEON TETER, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08-6097-CV-SJ-FJG
	)	
GLASS ONION, INC.,	)	
	)	
Defendant.	)	

**ORDER**

Presently before the Court is the issue of whether defendant has produced and/or allegedly destroyed relevant evidence requested by the plaintiff during discovery. The Court makes no findings with respect to plaintiff's allegations at this time; however, pursuant to the telephone conference on September 28, 2009, at 9:30 AM, the Court finds it appropriate to order supplemental disclosure in accordance with Fed. R. Civ. Proc. 26(e)(1)(B).

Defendant shall produce the following items in an effort to ascertain the type and existence of any relevant material in defendant's possession: (1) A complete backup of the lcestorm server in the form of a 65MB "tar ball,"; (2) Any CD's that may contain photographic images of the plaintiff's artwork, regardless of whether the images were ultimately posted on the 83 Spring Street Gallery website; (3) The USB portable storage device containing images of plaintiff's artwork, and any other electronic storage mechanisms that contain the same.

In addition to the above-specified materials, defendant shall supplement its discovery in accordance with any additional information relevant to the litigation. All

materials shall be properly labeled to identify the information contained therein.

Defendant shall produce all supplemental material to plaintiff on or by **Wednesday October, 7, 2009**. Plaintiff shall have fourteen days to review the supplemental discovery, and must submit a brief report to the Court on or by **Thursday October 22, 2009**, identifying any specific evidence it in good faith believes remains defendant's possession. All material submitted in accordance with the supplemental disclosure is covered by the Protective Order issued by the Court on July 15, 2009 (Doc. No. 33).

**IT IS SO ORDERED.**

Date: 09/28/09  
Kansas City, Missouri

**/s/ FERNANDO J. GAITAN, JR.**  
Fernando J. Gaitan, Jr.  
Chief United States District Judge